

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

PRESENT:

William D. Reilich	Supervisor
David M. Barry, Jr.	Councilman
Brett Granville	Councilman
Andrew J. Conlon	Councilman
Diana Christodaro	Councilwoman

Cheryl M. Rozzi, Town Clerk
Brian Marianetti, Town Attorney

EXCUSED: None

Following the roll call of officers, the meeting was opened with the Pledge of Allegiance, led by Councilman Andrew Conlon. The invocation was offered by Pastor Ken Marshall of Greece Assembly of God Church.

PUBLIC FORUM:

An Open Forum was conducted to allow speakers the opportunity to address the Town Board. Two speakers addressed the Town Board and the Open Forum concluded at 6:07 p.m.

#39– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to enter into various agreements (list attached) for programs association with the operation of the Greece Community and Senior Center

BE IT FURTHER,

RESOLVED that the Supervisor is authorized to execute said agreements.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#40–Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to appoint Charles Moesch to the position of Police Officer effective March 2, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#41–Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board request authorization for MCDOT, to serve as our Agent, to maintain the North Greece Drainage Easement per Liber 08765, Page 0557.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#42– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that, pursuant to the requirements of section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk's Office, Town of Greece, One Vince Tofany Boulevard, Greece, New York 14612, until 3:00 p.m., March 10, 2015, at which time they will be publicly opened and read aloud for the following:

- 2015 Body Repair and Painting of Large Trucks and Construction Equipment
- 2015 Cold Milling of Asphalt Pavement and Mixed Composition
- 2015 Heavy Equipment Rental and Construction Services

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

All bids must be endorsed, with the title of purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available, and be it further

RESOLVED, that the Town Board reserves the right to reject any and all bids received.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#43–Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board request authorization to extend the following contracts for an additional year:

- 2014 Sale of Surplus Wood Chips for the first of three possible extensions with Sensenig's Landscape Supply, 1516 State Route 5&20, Geneva, New York 14456 with no changes in contract specifications and pricing.
- 2013 Specifications for Concrete Crushing for the second of three possible extensions with Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, New York 14450, with no changes in contract specifications and pricing.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#44–Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to declare the wood chips the Town generates as surplus.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#45– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to extend the Farm License Agreement for the third and final extension with Steven D. Bauman, 412 Peck Road, Spencerport, New York 14559.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#46–Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board request authorization to reappoint Tom Galetto to a three-year term to the Greece Tree Council, term to expire February 28, 2018.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#47– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York intends to authorize the construction of a water-based play area, commonly referred to as a "splash pad" (the "Project") on property located at the Town's central office and services campus at Vince Tofany Boulevard (the "Town Hall Campus"); and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Project is to construct a water-based play area for children on part of the Town Hall Campus. The Project consists of a concrete pad on which various water-spraying devices will be provided for children to play, the enlargement of an existing storm water management basin on the Town Hall Campus, and appurtenant utilities, grading, and landscaping. The sprayed water will be used once (that is, will not be collected, treated, and reused) and will drain to the storm water management basin. The Town Hall Campus currently consists of the Town's administrative offices, justice court facilities, a community and senior citizens center, a library, the offices and museum of the Town's historical society, a pavilion, pickleball courts, and a children's play area; within the next 12 to 18 months, a new police headquarters will be constructed on the Town Hall Campus. Adjoining the Town Hall Campus to the south is the Town's Department of Public Works, which consists of that department's administrative offices and its base of operations for personnel and equipment. The Project, the pavilion, the pickleball courts, and the children's play area are ancillary uses which are incidental, secondary, and subordinate to the principal uses on the Town Hall Campus. Vehicular access for the Premises is via a signalized driveway at Long Pond Road (Monroe County Route 136, a two-lane urban minor arterial).
2. Upon review of the Project, the Town Board, as the project sponsor for this direct action, determined that the Project is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQR Regulations") (collectively, "SEQR"), and that the Project constitutes an Unlisted action under SEQR.
3. The Town Board has carefully considered environmental information that was prepared by or for the Town's representatives, which included but was not limited to: descriptions of the Project; conceptual plans of the spray pad, the enlarged storm water management basin, and related utilities, grading, and landscaping; Parts 1, 2, and 3 of an Environmental Assessment Form ("EAF"); a storm water management analysis; and aerial photographs of the Town Hall Campus (collectively, the "Environmental Analysis").
4. The Town Board has also included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to: the Monroe County Department of Public Health (the "MCDPH"); the Monroe County Water Authority; the New York State Department of Environmental Conservation (the "NYSDEC"); and the Town's own staff.
5. The Town Board has completed Parts 1, 2 and 3 of the EAF, and has carefully considered the information contained therein.
6. The Environmental Analysis examined the relevant issues associated with the Project.
7. The Town Board has met the procedural and substantive requirements of SEQR.
8. The Town Board has carefully considered each and every criterion for determining the potential significance of the Project upon the environment, as set forth in SEQR.
9. The Town Board carefully considered (that is, has taken the required "hard look" at) the Project and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional information submitted.
10. The Town Board concurs with the information and conclusions contained in the Environmental Analysis.
11. The Town Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Town Board's determination is supported by substantial evidence, as set forth herein.
12. To the maximum extent practicable, the Town has carefully incorporated in its Project measures that were identified as practicable and designed to largely avoid or minimize potential adverse environmental impacts in these types of projects.

NOW, THEREFORE, be it

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

RESOLVED that, pursuant to SEQR, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Town Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Town Board determines that the Project will not have a significant adverse impact on the environment, which constitutes a negative declaration.

ADOPTED: Ayes 5 Reilich, Barry, Christodaro, Conlon, Granville
Nays 0

#48– Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS, this Board has previously resolved to invite sealed bids for 2015 Town of Greece Ready Mix Concrete and 2015 Specifications for Light and Heavy Spring and Suspension Repair; and

WHEREAS on Tuesday, February 10, the following bids were received:

<u>BIDDERS NAME</u>	<u>AMOUNT</u>
Thru way Spring	\$56,850.00
DeCarolis Trucking	\$99,530.00

NOW THEREFORE, be it

RESOLVED that this Town Board award the bid for Specifications for Light and Heavy Vehicle Spring and Suspension Repair to the lowest responsible, responsive bidder meeting specifications, Thru Way Spring, 1609 Mt. Read Blvd, Rochester, NY 14606.

<u>BIDDERS NAME</u>	<u>AMOUNT</u>
Dolomite Products d/b/a Northrup Materials	\$97.00 per cubic yard
Hansen Aggregate East	\$97.75 per cubic yard
Manitou Concrete	\$102.00 per cubic yard

RESOLVED that this Town Board award the bid to provide and deliver Ready-Mix Concrete to the lowest responsible, responsive bidder meeting specifications, Dolomite Products doing business as Northrup Materials, 1150 Penfield Road, Rochester, New York 14625.

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to enter into contract with Thru-way Spring and Dolomite Products d/b/a Northrup Materials.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#49– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to apply for a Safety Training Grant with the New York State Department of Labor; and further authorization for the Supervisor to execute all related documents.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#50– Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to approve the extension of Municipal Snow and Ice Agreement with New York State. This agreement sets the reimbursement rate for snow and ice removal on New York State roads by Town crews.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

#51– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that, pursuant to the requirements of section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk's Office, Town of Greece, One Vince Tofany Boulevard, Greece, New York 14612, until 3:00 p.m., March 10, 2015, at which time they will be publicly opened and read aloud for the Town of Greece's 2015 Landscape Maintenance Services Project.

All bids must be endorsed, with the title of purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available, and be it further

RESOLVED, that the Town Board reserves the right to reject any and all bids received.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#52– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to to renew the agreement for Leads Online investigative services for the Town of Greece Police Department per the same terms, conditions and cost as accepted in the original agreement. The term of the extension is to be January 1, 2015 through December 31, 2015.

BE IT FURTHER,

RESOLVED that the Supervisor is authorized to execute all necessary documents.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#53– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that, pursuant to the requirements of section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk's Office, Town of Greece, One Vince Tofany Boulevard, Greece, New York 14612, until 3:00 p.m., March 10, 2015, at which time they will be publicly opened and read aloud for the following:

- Greece Police Firing Range Bullet Trap
- Greece Police Firing Range Concrete Pad

All bids must be endorsed, with the title of purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available, and be it further

RESOLVED, that the Town Board reserves the right to reject any and all bids received.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#54– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant acceptance of the low bid for the Town of Greece Police Department Uniforms from Galls LLC, 1340 Russell Cove Road, Lexington, KY 40505. One other bid was received from United Uniform, 495 North French Road, Buffalo, NY 14228.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#55– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

RESOLVED that this Town Board grant authorization for the Supervisor to enter into an agreement with Emergency Power Systems for the maintenance of our Generac Generators for 2015. Emergency Power Systems is the sole authorized Generac Service Provider in this area.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#56– Councilman Barry offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to make various budget adjustments and transfers per the attached list.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#57– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization for the Supervisor to extend our contract with Loomis for Armored Car Services for 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#58– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that, pursuant to the requirements of section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk's Office, Town of Greece, One Vince Tofany Boulevard, Greece, New York 14612, until 3:00 p.m., March 10, 2015, at which time they will be publicly opened and read aloud for the following:

- Sale of a 40' x 80' Commercial Grade Tent

All bids must be endorsed, with the title of purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available, and be it further

RESOLVED, that the Town Board reserves the right to reject any and all bids received.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#59– Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant Authorization for the Supervisor to enter into an agreement with Young Explosives Corporation for the July 4, 2015 Fireworks Display for the not to exceed price of \$20,000.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

#60– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to settle the matters of *Joanna Mae Morgan v. Town of Greece, et al.* and *Gill Ann Cremaldi v. Town of Greece, et al.*

BE IT FURTHER,

RESOLVED that the Supervisor is authorized to execute all necessary documents.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#61– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to abolish one Library Clerk PT position, one Library Assistant PT position and create one Library Assistant FT position; furthermore appoint Elizabeth Dobles to the position of Library Assistant FT effective February 28, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#62– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to abolish one Senior Office Account Clerk position and create one Personnel Clerk position; furthermore appoint Kelsey Byrne to the provisional position of Personnel Clerk in the Personnel Department effective March 2, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#63– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization create one Computer Operator Trainee position; furthermore appoint Kathleen Magliocco to the provisional position of Computer Operator Trainee in the Information Services Department effective February 28, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#64 A– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, Apple Latta LLC (the "Applicant/Project Sponsor") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, to amend the Official Zoning Map of the Town of Greece, New York, relative to a portion of property located at 2451–2455 Latta Road; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant/Project Sponsor's proposal (the "Proposal") is to rezone 51.7± acres of real property (the "Premises") from R1-44 (Single-Family Residential) to RMS (Multiple-Family Residential – Senior Citizen). The Applicant/Project Sponsor proposes to construct 430± dwelling units (80± one-story townhouses; 350± apartments in 14± two-story buildings) for rental to senior citizens, with an accessory clubhouse, related utilities, grading, landscaping/buffering, paved driveways and parking, and other site modifications (the "Project"). The Premises currently consist of an unused part of an apple orchard. The proposed vehicular access for the Premises is via a driveway at the signalized intersection of Latta Road (New York State Route 18, a four-lane urban minor arterial) and Kirk Road (Monroe County Route 262, a two-lane local collector). Existing land uses in the vicinity consist of single-family

houses, a place of worship, senior citizen residential facilities (assisted living and memory care), apartments, and agricultural uses (principally, orchard).

2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQR Regulations") (collectively, "SEQR"), and that the Proposal and the Project constitute a Type I action under SEQR.
3. Pursuant to the procedures established by SEQR, the Town Board has become the lead agency for the coordinated environmental review of the Proposal and the Project.
4. On November 18, 2014 at 6:15 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all parties in interest and citizens were afforded an opportunity to be heard.
5. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
6. The Town Board continued the Hearing to December 17, 2014 at 6:20 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, in order to receive and consider additional information from all parties in interest, citizens, and agencies.
7. On December 17, 2014, at the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Proposal, but continued to accept and consider written comments from all parties in interest, citizens, and agencies.
8. The Town Board has carefully considered environmental information that was prepared by the Applicant/Project Sponsor's representatives or the Town's staff, which included but was not limited: to a project narrative; a conceptual site plan; aerial photographs; Part 1 of an Environmental Assessment Form (the "EAF"), which was prepared in part by using the New York State Department of Environmental Conservation's online EAF Mapper application; and supplemental information about the Project, including but not limited to a description and analysis of vehicular traffic (the "Traffic Impact Study") and a preliminary storm water management analysis (the "Drainage Report") (collectively, the "Environmental Analysis").
9. The Town Board has carefully considered additional information submitted by the Applicant/Project Sponsor's representatives, which also was included in the Environmental Analysis, including but not limited to: oral or written descriptions of the Project; maps and other drawings of the Project; an analysis to determine the boundaries of the 100-year floodplain of Kirk Creek (the "Floodplain Analysis"); an analysis to determine whether any federally regulated wetland is present on the Premises (the "Wetlands Assessment"); a photographic analysis of the visibility of the Premises from its western and southern sides, where the existing houses are located (the "Buffer Assessment Report"); an analysis of the soils on the Premises to determine the nature and concentration of the residual chemical compounds on the Premises (the "Shallow Soil Sampling Study"); a review of available information regarding the possible presence of a higher-than-normal incidence of cases of cancer in the vicinity of the Premises (the "Cancer Cluster Information"); and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant/Project Sponsor's representatives.
10. The Town Board has also included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to: the Monroe County Department of Planning and Development; the Monroe County Department of Transportation (the "MCDOT"); the Monroe County Department of Public Health (the "MCDPH"); the Monroe County Water Authority; the New York State Department of Transportation (the "NYSDOT"); the New York State Department of Environmental Conservation (the "NYSDEC"); the North Greece Fire District (the "Fire District"); the Town's Planning Board (the "Planning Board"); the Town's Traffic Advisory Committee; and the Town's own staff.
11. The Town Board has also included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from owners of nearby properties or other interested parties, and all other relevant comments submitted to the Town Board as of February 19, 2015.

12. The Town Board has carefully considered the Environmental Analysis, which examined the potential effects of the Project on the following principal relevant issues: vehicular traffic; storm water management; compatibility with nearby residential uses; and development in contaminated soils. A summary of the analyses of these issues and the Town Board's reasoned elaboration supporting its determination of environmental significance follows.
13. Vehicular traffic.
 - a. Description of analysis and potential impacts. The Traffic Impact Study evaluated vehicular traffic volumes and turning movements for the Premises. The Traffic Impact Study first examined existing road network and vehicular traffic conditions (including but not limited to volumes, turning movements, distribution, roadway conditions, and sight distances) in the vicinity of the Premises. Based on the existing vehicular traffic conditions, the Traffic Impact Study then applied a growth factor in order to project future conditions without the Project in the year in which the Project would reach full development. The Traffic Impact Study then used standard, nationally recognized data and methods (from the informational report, *Trip Generation Manual, 9th Edition*; Institute of Transportation Engineers, 2012) to estimate the vehicular traffic volumes and turning movements that would be generated by the Project. These estimates then were combined with the projected future conditions without the Project to project the total future vehicular traffic conditions when the Project would be fully developed. The Traffic Impact Study concluded that the existing road network could assimilate the projected vehicular traffic volumes with no significant adverse impacts, and would function at acceptable levels of service. The NYSDOT concurred with this conclusion. As originally proposed, the Project included a secondary means of access (for emergency purposes only) on the west side of the Premises, via Dutchess Drive (a two-lane Town subdivision road).
 - b. Mitigation measures.
 - i. The NYSDOT has determined that no mitigation measures are required for the Project.
 - ii. In response to comments received at the Hearing, the Applicant/Project Sponsor has offered and agreed to remove the proposed emergency access via Dutchess Drive, replacing it with a gated emergency access at Latta Road. The Fire District and the NYSDOT have concurred with this proposal.
 - c. Conclusions.
 - i. The existing transportation network can accommodate the projected vehicular traffic from the Project, without mitigation measures.
 - ii. Secondary, emergency-only access to the Premises will be provided at a location and in a design that are acceptable to the Fire District and the NYSDOT.
14. Storm water management.
 - a. Description of analysis and potential impacts.
 - i. The Premises currently consist of undeveloped land covered by trees and undergrowth. Kirk Creek flows generally south to north through the southeastern and eastern parts of the Premises. The development of the Premises for the Project includes but is not limited to: clearing vegetation from the Premises; excavating soil to create storm water management facilities and to install underground utilities; and grading, filling, and other excavation for buildings and paved areas. The Project has the potential for altering drainage patterns and volumes in the area by the construction of additional impervious surfaces and changes to the drainage profile of the area. The Drainage Report examined existing and proposed topography on the Premises and existing drainage patterns on the Premises and adjoining lands. The Drainage Report concluded that the Project would create a need for on-site management of storm water runoff quality and quantity. The proposed changes to the Premises must comply with applicable

federal, state, and local regulations, including the most recent storm water management guidelines promulgated by the NYSDEC.

- ii. The Floodplain Analysis showed that three of the proposed buildings would encroach into the 100-year floodplain of Kirk Creek if they remained in their originally proposed locations, and a part of the Project's proposed site work also would encroach into the floodplain.
- iii. The Project has the potential to encroach on a wetland that is protected by the federal Clean Water Act, Section 404. The Wetlands Assessment determined that there is no evidence of federally regulated wetland on the Premises.

b. Mitigation measures.

- i. The Project includes provision of storm water management facilities on the Premises, to be designed to limit peak storm water discharge to rates that are below the pre-development level for precipitation events up to and including the 100-year storm. In order to manage storm water quantity and quality, the Applicant/Project Sponsor will construct retention and/or detention basins and will include "green infrastructure" practices. The storm water management facilities will be designed to include water quality improvement features consistent with the most recent guidelines promulgated by the NYSDEC.
- ii. Standard construction procedures will be followed to control erosion, sedimentation, and storm water runoff during construction, in accordance with all applicable regulations.
- iii. The Applicant/Project Sponsor has relocated all buildings out of the Kirk Creek floodplain. If the Project were to result in any filling of the floodplain, the Applicant/Project Sponsor would expand the floodplain elsewhere on the Premises or on the adjoining lands to the east of the Premises, to compensate for the potential loss of storm water storage volume.

c. Conclusions.

- i. The Project will not degrade existing storm water conditions on the Premises or on adjacent properties, and may present an opportunity to improve drainage conditions for adjacent properties.
- ii. The Project will not decrease the storm water storage capacity of the Kirk Creek floodplain.
- iii. The Project will not encroach on federally regulated wetland.
- iv. The Project will include features that are designed to improve storm water quality before runoff leaves the Premises.
- v. The proposed storm water management facilities will avoid or minimize potential adverse impacts on storm water runoff quantity and quality.

15. Compatibility with nearby residential uses.

- a. Description of analysis and potential impacts. The Project consists of two-story garden apartments and one-story townhouses for rent to senior citizens. These types of structures are different from the single-family detached houses that adjoin the west and south sides of the Premises and that are north of the Premises, across Latta Road. In response to comments received at the Hearing, the Applicant/Project Sponsor's representatives submitted the Buffer Assessment Report, which identified portions of the Premises where the Project would be visible from the adjoining residences. The Buffer Assessment Report showed how new plantings of vegetation could reduce the visibility of the Project from the adjoining houses.
- b. Mitigation measures.

- i. The proposed layout of the Project places the one-story townhouses, rather than the two-story garden apartments, at the periphery of Premises. The result is that the taller buildings are farther away from the adjoining houses. Furthermore, the one-story townhouses help to obstruct the view of the apartment buildings.
- ii. The proposed one-story townhouses are oriented so that the end of each group of four townhouses, rather than the entire length of each group, faces the adjoining houses. This orientation presents the least amount of building wall to the adjoining houses.
- iii. The proposed layout of the Project places the two-story garden apartments more than 180 feet from the western boundary of the Premises, and more than 250 feet from the southern boundary of the Premises. This placement of these buildings has the effect of diminishing their perceived height and mass, when viewed from the adjoining houses.
- iv. Along the northern one-half of the western boundary of the Premises, the adjoining houses are located closer to the Premises than the houses further south. In the area where the adjoining houses are closer to the Premises, the proposed layout of the Project increases the setback of the one-story townhouses and the two-story garden apartments. This placement of the buildings maintains the same, or similar, setback from the adjoining houses along the entire western boundary of the Premises.
- v. Near the northwest corner of the Premises, the Applicant/Project Sponsor has proposed to increase the setback of the northernmost one-story townhouses from Latta Road (and thus, the houses located on the north side of Latta Road).
- vi. In response to comments received at the Hearing, and based on information in the Buffer Assessment Report, the Applicant/Project Sponsor has offered and agreed to increase the setback of the one-story townhouses from the southern boundary of the Premises.
- vii. In response to comments received at the Hearing, and based on information in the Buffer Assessment Report, the Applicant/Project Sponsor has offered and agreed to plant new vegetation to supplement the existing vegetation and reduce the visibility of the Project from the adjoining houses along the western and southern boundaries of the Premises.
- c. **Conclusions.** The proposed layout of the Project, together with the Applicant/Project Sponsor's voluntary inclusion of modifications to increase setbacks and buffering, will minimize the potential visual impact of the Project and make it more compatible with nearby residences.

16. Development in contaminated soils.

- a. **Description of analysis and potential impacts.**
 - i. The Premises currently consist of undeveloped land covered by trees and undergrowth. Kirk Creek flows generally south to north through the southeastern and eastern parts of the Premises. The development of the Premises for the Project includes but is not limited to: clearing vegetation from the Premises; excavating soil to create storm water management facilities and to install underground utilities; and grading, filling, and other excavation for buildings and paved areas. The Premises formerly were used as an apple orchard, to which various chemical compounds were applied as pesticides in the past; the application of these chemical compounds did not violate applicable laws that were in effect at that time. The Shallow Soil Sampling Study indicated that elevated levels of lead, arsenic, and DDT and its associated breakdown compounds, DDD and DDE, are on the Premises; none of these compounds are volatile (that is, emit vapors). The community's means of exposure to these compounds are from ingestion of soil particles, which requires physical contact with the soil or inhalation of airborne dust. The Shallow Soil Sampling Study concluded that the Project can be developed on the Premises, provided that measures are taken to develop the Project in conformity with the requirements and guidelines of the

NYSDEC, the MCDPH, and the New York State Department of Health (the "NYSDOH"); such measures are intended to provide protection of public health during and after construction.

- ii. In response to comments received at the Hearing, the Applicant/Project Sponsor submitted the Cancer Cluster Information. Based on a review of information available from the NYSDOH and the MCDPH, the Cancer Cluster Information concluded that cancer statistics for Monroe County as a whole are not significantly different from any other county in upstate New York, and that there is no known record or evidence to support concerns that the materials in the soils on the Premises have resulted in a higher incidence of cancer in persons living in the vicinity of the Premises.
- b. Mitigation measures.
- i. Prior to the initiation of site work, the Applicant/Project Sponsor will prepare and submit a Site Management Plan (the "SMP") to the MCDPH for review and comment. The SMP will document existing conditions on the Premises, and provide details about proposed soil management and air monitoring practices.
 - ii. The Applicant/Project Sponsor will acquire additional land that adjoins the east side of the Premises (the "Soil Storage Site"). The upper one foot of soil on the Premises will be removed and used to construct berms on the Soil Storage Site. A vegetative cover will be established on these berms to prevent erosion; the vegetative cover also will reduce and minimize human exposure to airborne dust from the soil. As an alternative to the creation of berms, the Applicant/Project Sponsor could remove the soil from the Premises and transport it to another location, in accordance with applicable regulations for the transport and disposal of such soils.
 - iii. During the process of soil excavation, relocation and berm creation, dust control practices will be used to reduce and minimize exposure to the surrounding community. Such practices include but are not limited to wetting of open excavation faces and haul roads.
 - iv. The SMP will include a community air monitoring plan that will be prepared in accordance with NYSDOH community air monitoring guidelines. The measures include but are not limited to real-time upwind and downwind particulate monitoring, and established levels at which additional actions must be taken. If these levels are exceeded, work on the Premises will be halted while additional dust suppression actions are employed.
 - v. Standard construction procedures will be followed on the Premises and the Soil Storage Site to control erosion, sedimentation, and storm water runoff during construction, in accordance with all applicable regulations; this will prevent deposition of the soil into Kirk Creek.
 - vi. The berms of relocated soils will not be located in the existing 100-year floodplain of Kirk Creek or in any modified version of this floodplain; this will prevent major flood events from eroding these berms into the creek.
 - vii. The nature of the Project is in itself a form of mitigation. The Project consists of buildings and paved driveways and parking lots, with smaller lawn areas than would be present with single-family residential development (especially at the low density required by the R1-44 zoning district). The impermeable surfaces will act as a cover system to effectively prevent exposure to residual concentrations of pesticides and metals. Furthermore, because of the nature of the Project (apartments under a single managing entity), the residents of the Project will not be permitted to disturb the soil in activities such as planting gardens or ornamental landscaping, or digging up and reseeding lawns.
- c. Conclusions.
- i. During the process of developing the Project, exposure of the community to contaminated soils on the Premises will be reduced and minimized.

- ii. The completed Project presents an opportunity to reduce and minimize the community's current level of exposure to contaminated soils on the Premises.
17. The Environmental Analysis examined the relevant issues associated with the Proposal and the Project.
18. The Town Board has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
19. The Town Board has met the procedural and substantive requirements of SEQR.
20. The Town Board has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQR.
21. The Town Board has carefully considered (that is, has taken the required "hard look" at) the Proposal and the Project and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
22. The Town Board concurs with the information and conclusions contained in the Environmental Analysis.
23. The Town Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Town Board's determination is supported by substantial evidence, as set forth herein.
24. To the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by the Applicant/Project Sponsor's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQR, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Town Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Town Board determines that the Proposal and the Project will not have a significant adverse impact on the environment, which constitutes a negative declaration.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#64 B– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, Apple Latta LLC (the "Applicant") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, to amend the Official Zoning Map of the Town of Greece, New York, relative to a portion of property located at 2451–2455 Latta Road; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to rezone 51.7± acres of real property (the "Premises") from R1-44 (Single-Family Residential) to RMS (Multiple-Family Residential – Senior Citizen). The Applicant proposes to construct 430± dwelling units (80± one-story townhouses; 350± apartments in 14± two-story buildings) for rental to senior citizens, with an accessory clubhouse, related utilities, grading, landscaping/buffering, paved driveways and parking, and other site modifications (the "Project"). The Premises currently consist of an unused part of an apple orchard. The proposed vehicular access for the Premises is via a driveway at the signalized intersection of Latta Road (New York State Route 18, a four-lane urban minor arterial) and Kirk Road (Monroe County Route 262, a two-lane local collector). Existing land uses in the vicinity consist of single-family houses, a place of worship, senior citizen residential facilities (assisted living and memory care), apartments, and agricultural uses (principally, orchard).

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

2. Proof was had of the notice of a public hearing on a resolution proposing to amend said Official Zoning Map by rezoning 51.7± acres from R1-44 (Single-Family Residential) to RMS (Multiple-Family Residential – Senior Citizen), relative to a portion of property located at 2451–2455 Latta Road.
3. On November 18, 2014 at 6:15 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the “Hearing”) to consider the Proposal, at which time all parties in interest and citizens were afforded an opportunity to be heard.
4. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board’s consideration.
5. The Town Board continued the Hearing to December 17, 2014 at 6:20 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, in order to accept and consider additional information from all parties in interest, citizens, and agencies.
6. On December 17, 2014, at the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Proposal, but continued to accept and consider written comments from all parties in interest, citizens, and agencies.
7. The Premises are surrounded by the following zoning districts and land uses:

North: R1-E (Single-Family Residential) — Single-family houses north of Latta Road.

South: R1-E (Single-Family Residential) — Single-family houses; further south, RMH (Multiple-Family Residential) — apartments.

East: R1-44 (Single-Family Residential) and RMS (Multiple-Family Residential – Senior Citizen) — agricultural uses (principally, orchard) and a place of worship; senior citizen residential facilities (assisted living and memory care); further east, R1-E (Single-Family Residential) — single-family houses.

West: R1-E (Single-Family Residential) — Single-family houses.
8. The proposed zoning, use, density, and conceptual development plan for the Premises are consistent and compatible with the zoning and uses that are adjacent to the Premises.
9. At its regularly scheduled meeting on November 6, 2014, the Town’s Planning Board recommended that the Town Board approve the Proposal.
10. The size and shape of the Premises are suitable for the Project.
11. Public utility service and vehicular access are adequate for the Project.
12. The Code of the Town of Greece, New York, Chapter 211 (Zoning) (the “Zoning Ordinance”) defines the term “senior citizen” to be a person who is 55 years of age or older (a “Senior Citizen” or “Senior Citizens”). According to data from the United States Census Bureau, the number of Senior Citizens in the Town is increasing, as is their percentage of the Town’s total population. Senior citizens comprise approximately 30 percent of the Town’s population.
13. There is a wide range of housing and services that are wanted or needed by the Senior Citizen segment of the Town’s population, from smaller single-family houses and lots for fully independent living, to apartments for fully independent living, to semi-independent living in facilities that provide varying levels of service and assistance, to skilled nursing care.
14. The Proposal and the Project are consistent with general and specific recommendations in the Town’s 2001 Community Master Plan Update (the “Master Plan Update,” completed September 18, 2001), including but not limited to:
 - a. The Master Plan Update (pp. IV–2, VI-2) recognized the growing need for a variety of housing for Senior Citizens, and recommended that such housing be permitted wherever the Town Board deemed it to be appropriate, to encourage a diverse style and type of housing to meet the needs of Senior Citizens. As a general guide, the Master Plan Update recommended that housing for Senior Citizens should be located near commercial areas,

major travel routes, and community services. The Premises are located near such amenities.

- b. The Master Plan Update (p. III-2) recommended that the Town provide for sufficient Senior Citizen housing that is affordable and above basic standards. The Project is housing specifically for Senior Citizens, and is well above basic standards.
 - c. The Master Plan Update (p. IV-19) noted that the Town wants its residents to regard the community as an attractive place to retire. This calls for activities that address the many types of retirement housing, such as smaller single-family houses, townhouses, *apartments* [emphasis added], and assisted/congregate living.
 - d. The Master Plan Update (p. IV-19) recommended that housing specifically for Senior Citizens be permitted in all planning districts, especially in Planning Districts #5 through #9; the Project is located in Planning District #5.
15. The Town Board wants to accommodate a variety of types of housing for the Town's Senior Citizens, so that they have an opportunity to remain residents of the Town as their housing needs change. The Town Board also wants to allow flexibility if new types of housing for Senior Citizens become available.
 16. The Proposal and the Project meet the Town Board's goal of providing a flexible set of housing opportunities for Senior Citizens, in a way that does not have a significant adverse effect on surrounding neighbors.
 17. At the request of the Town Board, the Applicant submitted an analysis of the market demand for the Project (the "Market Analysis"). The Market Analysis concluded that the market study area has sufficient demand for the type of market-rate apartments for Senior Citizens that the Project would offer, and that the majority of the units in the Project would be occupied within 36 months of their availability on the market.
 18. In order to further the legislative intent and purposes of the RMS zoning district set forth in the Zoning Ordinance, the Applicant has offered and agreed to provide a restrictive covenant on the Premises, inuring to the benefit of the Town, which limits occupancy of the Project to Senior Citizens, in conformity with the requirements, restrictions, and allowances of the RMS zoning district.
 19. In response to comments received at the Hearing, the Applicant has offered and agreed that no building or dwelling unit or portion thereof within 180 feet of the western and southern boundaries of the Premises will exceed one story in height, and in no case will any building on the Premises exceed two stories in height.
 20. On February 19, 2015, in accordance with the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQR Regulations") (collectively, "SEQR"), the Town Board, as the lead agency for the coordinated environmental review of the Proposal and the Project, issued a Negative Declaration for the Proposal and the Project (the "SEQR Negative Declaration"). The SEQR Negative Declaration indicated that, to the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable. The SEQR Negative Declaration is incorporated herein by reference as if fully set forth, as findings of the Town Board in its decision on the Proposal.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, and the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the Official Zoning Map of the Town of Greece, New York, hereby be and the same is amended to change the zoning classification of 51.7± acres from R1-44 (Single-Family Residential) to RMS (Multiple-Family Residential – Senior Citizen), relative to a portion of property located at 2451–2455 Latta Road, as more particularly identified in the description attached hereto, subject to the following conditions:

1. The Applicant shall submit a request to the Town of Greece Planning Board for subdivision and site plan approval in order to address the details of site development issues, including but not

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

limited to: landscaping and buffering; lighting; parking; vehicular and pedestrian access for the Premises; on-site vehicular and pedestrian circulation; utilities; grading; storm water management; and architectural appearance.

2. As offered and agreed by the Applicant, no building or dwelling unit or portion thereof, within 180 feet of the western and southern boundaries of the Premises shall exceed one story in height, and in no case shall any building or portion thereof on the Premises exceed two stories in height.
3. In the event of any conflict among the oral or written descriptions of the Proposal and the Project, the site development plans for the Project, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include designees, successors, and assigns.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#65 A– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS, RED –Rochester LLC has made application for a special use permit to store hazardous materials in aboveground or underground tanks which have an individual or aggregate storage capacity greater than 1000 gallons, on property located in Eastman Business Park, near the southeast corner of Technology Boulevard and Chemical Imaging Loop.

WHEREAS a special use permit to store hazardous materials in aboveground or underground tanks which have an individual or aggregate storage capacity greater than 1000 gallons, can only be granted upon special application to and with the consent of the Town Board, pursuant to the requirements of Section 211 of the Code of the Town of Greece;

NOW THEREFORE, BE IT

ORDERED that a public hearing be held by the Town Board of the Town of Greece at the Town Hall, One Vince Tofany Boulevard, Rochester, New York, in and for said Town, on the 18th day of March 2015 at 6:15 p.m., to consider the application submitted by RED-Rochester LLC, on property located in Eastman Business Park, near the southeast corner of Technology Boulevard and Chemical Imaging Loop.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#65 B– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS, RED-Rochester, LLC has submitted a request to the Town Board (the “Town Board”) of the Town of Greece (the “Town”), Monroe County, New York for a special use permit to store liquids in an aboveground tank with a storage capacity greater than 1000 gallons (the “Proposal”), on property generally located near the intersection of Technology Boulevard and Chemical Imaging Loop (the “Premises”) in Eastman Business Park (“EBP”), in an IG (General Industrial) Zoning District; and

WHEREAS, the Town Board has established a public hearing (the “Public Hearing”) to consider the Proposal, to be held on Wednesday, March 18, 2015 at 6:15 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard; and

WHEREAS, pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the “Zoning Ordinance”), at the request of an applicant or on its own initiative, the Town Board may waive

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

or modify the notification requirements for a special use permit if, in the Town Board's opinion, it is warranted by the circumstances (Zoning Ordinance, Section 61(B)(1)(e)); and

WHEREAS, the Proposal involves the storage of 12,000± gallons of aqueous ammonia in an aboveground storage tank, for use in conjunction with a new and expanded electricity generation station, in an existing industrial park; and

WHEREAS, the Proposal is substantially similar to many of the existing or former uses in EBP, many of which involved large amounts of chemicals; and

WHEREAS, sending notice of the Public Hearing to the owners of properties within 500 feet of all of EBP would greatly exceed the intent of the notification requirement in the Zoning Ordinance; and

WHEREAS, sending notice of the Public Hearing to the owners of properties closest to the Premises would meet the intent of the notification requirement in the Zoning Ordinance.

NOW THEREFORE, be it

RESOLVED that the Town Board, on its own initiative, hereby modifies the notification requirements of the Zoning Ordinance for the Proposal, to notify the owners of properties in part of the Koda Vista residential neighborhood to the north of EBP, including those properties on Vista Drive, Malden Street, and the part of Hoover Drive that is south of Malden Street.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#66 A– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, Charlie H. Nesbitt (the "Applicant/Project Sponsor") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York for a waiver of the requirements for a new special use permit to operate a restaurant and a marina, formerly known as Docksiders, now to be known as Drifters Cove, on property located at 416 Manitou Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having carefully considered all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant/Project Sponsor's proposal (the "Proposal") is to operate a restaurant in a freestanding building and site that previously were used for that purpose (the "Premises"). The Proposal includes the preparation, service, and sale of hot and cold foods (such as appetizers, soups, salads, hot and cold sandwiches, appetizers chicken wings, dinners, etc.), for consumption on the Premises and for takeout, and alcoholic and nonalcoholic beverages for consumption at the restaurant. The Proposal also includes the outdoor cooking of meals (for example, steak, lobster, etc.) not more than two nights per week on a gas-, wood- or charcoal-fired grill by the Applicant/Project Sponsor or a separate contractor, for consumption on the Premises or for takeout. Weather permitting, outdoor seating for service and consumption of food and beverages will be provided only on a deck, which is located on the east side of the restaurant; prerecorded music played unattended on a sound system will be provided for this area at low volume via outdoor loudspeakers. Although the Proposal includes a bar and the preparation, service, and sale of alcoholic beverages, these are incidental, secondary, and subordinate elements of the Proposal. For example, of the 44 seats that are shown on the Applicant/Project Sponsor's indoor floor plan, only 9 seats (20 percent) are located at the bar. Background music and live entertainment (as these terms are defined in the Town's zoning ordinance) will be provided indoors and outdoors on a recurring basis. Sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises by the Applicant/Project Sponsor (including background music and live entertainment) will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The Proposal does not include delivery service or a drive-up service window. The proposed hours of availability to the public are: Sundays through Saturdays, 11:00 a.m. to 2:00 a.m. The docks that are on the Premises, at the confluence of West Creek and Salmon Creek, primarily are for short-term usage by boaters that are visiting the restaurant; however, some of the docks may be rented for longer-term dockage during the boating season. Vehicular access for the Premises is via an unsignalized driveway at Manitou Road (New York State Route 261, a two-lane urban minor arterial).

2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQR Regulations") (collectively, "SEQR"), and that the Proposal constitutes a Type II action under SEQR. (SEQR Regulations, § 617.5(c)(1), (2) & (26).)
3. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQR does not require further action relative to the Proposal.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#66 B- Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, Charlie H. Nesbitt (the "Applicant") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York for a waiver of the requirements for a new special use permit to operate a restaurant and a marina, formerly known as Docksiders, now to be known as Drifters Cove, on property located at 416 Manitou Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having carefully considered all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to operate a restaurant in a freestanding building and site that previously were used for that purpose (the "Premises"). The Proposal includes the preparation, service, and sale of hot and cold foods (such as appetizers, soups, salads, hot and cold sandwiches, appetizers chicken wings, dinners, etc.), for consumption on the Premises and for takeout, and alcoholic and non-alcoholic beverages for consumption at the restaurant. The Proposal also includes the outdoor cooking of meals (for example, steak, lobster, etc.) not more than two nights per week on a gas-, wood- or charcoal-fired grill by the Applicant or a separate contractor, for consumption on the Premises or for takeout. Weather permitting, outdoor seating for service and consumption of food and beverages will be provided only on a deck, which is located on the east side of the restaurant; prerecorded music played unattended on a sound system will be provided for this area at low volume via outdoor loudspeakers. Although the Proposal includes a bar and the preparation, service, and sale of alcoholic beverages, these are incidental, secondary, and subordinate elements of the Proposal. For example, of the 44 seats that are shown on the Applicant's indoor floor plan, only 9 seats (20 percent) are located at the bar. Background music and live entertainment (as these terms are defined in the Town's zoning ordinance) will be provided indoors and outdoors on a recurring basis. Sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises by the Applicant (including background music and live entertainment) will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The Proposal does not include delivery service or a drive-up service window. The proposed hours of availability to the public are: Sundays through Saturdays, 11:00 a.m. to 2:00 a.m. The docks that are on the Premises, at the confluence of West Creek and Salmon Creek, primarily are for short-term usage by boaters that are visiting the restaurant; however, some of the docks may be rented for longer-term dockage during the boating season. Vehicular access for the Premises is via an unsignalized driveway at Manitou Road (New York State Route 261, a two-lane urban minor arterial).
2. The Proposal is in substantial conformity with the previous operator's description of the nature, duration, and intensity of the operation.
3. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the previous restaurant operation: (a) did not adversely affect the orderly pattern of development in the area; (b) was in harmony with nearby uses; (c) did not alter the essential character of the nearby neighborhood, nor was it detrimental to the residents thereof; (d) did not create a hazard to health, safety, or the general welfare; (e)

was not detrimental to the flow of traffic; and (f) did not place an excessive burden on public improvements, facilities, services, or utilities.

4. Public utility service and vehicular access are adequate for the Proposal.
5. The size and shape of the Premises are adequate for the Proposal.
6. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested waiver of the requirements to obtain a new special use permit.

NOW THEREFORE, be it

RESOLVED that the Town Board has no objection to the Applicant's application for an on-premise liquor license at the Premises and hereby waives the 30-day notification requirement for such application;

AND BE IT FURTHER

RESOLVED that, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Charlie H. Nesbitt (the "Applicant") for a waiver of the requirements for a new special use permit to operate a restaurant and a marina, formerly known as Docksidiers, now to be known as Drifters Cove, on property located at 416 Manitou Road, in a BR (Restricted Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this restaurant and marina in conformity with all details of the Proposal, as described in the written descriptions and various plans of the Proposal, and as set forth herein. In the event of any conflict among the written descriptions of the Proposal, the various plans of the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The maximum occupancies in this restaurant and marina shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include designees, successors, and assigns.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
7. Upon the sale or other transfer of controlling interest in this restaurant and marina to any person or entity other than Charlie H. Nesbitt, his wholly owned subsidiaries, or his franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

#67– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization for the Supervisor to accept a grant from New York State for the 2015 Stop DWI Program in the amount of \$72,351.86.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#68– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to declare the following items as computer scrap. A complete list is attached.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#69– Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to extend the agreement with Simplex Grinnell, Inc. for the monitoring, testing and repair of fire and security alarm systems, sprinkler systems, backflow preventers, fire extinguishers, and related devices in all DPW facilities.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#70– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to accept a 2014-2015 New York State Hazard Abatement Board Grant entitled “New York State Training and Education Program on Occupational Safety and Health” and furthermore to authorize a certified and primary source, OSEA, Inc., to provide Department of Labor mandated safety training, under the terms of the aforementioned grant.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#71– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to appoint Robert Coffey to the Board of Assessment Review for a term of five years to expire September 30, 2019.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#72– Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to create one Director of Parks and Recreation; furthermore appoint Peter O’Brien to the position of Director of Parks and Recreation in the Human Services Department effective March 2, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held February 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

#73- Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to abolish one Deputy Director of Human Services position and create one Community and Senior Services Coordinator position; furthermore appoint Tracy Zoellick to the position of Community and Senior Services Coordinator effective February 28, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#74- Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to abolish one Office Account Clerk position and create one Input Clerk position; furthermore appoint Kimberly Carroll to the position of Input Clerk in the Tax Department effective March 2, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

Meeting adjourned at 6:35 p.m.

February 24, 2015
Date


Cheryl M. Rozzi - Town Clerk

(S
E
A
L)

FEBRUARY TOWN BOARD - CSC

- Be-Mar Associates, Inc., 136 West Main Street, Honeoye Falls, NY 14472 – Contract for \$4.50/per person for roller skate rental for CSC skating party on February 20, 2015 from 11:00 a.m.-12:30 p.m.
- Rochester Americans, 1 War Memorial Square, Rochester, NY 14614 - \$20.00/person for 14 people to attend game on February 25, 2015.
- Susan B Anthony House, 17 Madison Street, Rochester, NY 14608 - \$10.00/person for 14 people to attend on February 26, 2015.
- Amanda Taylor – Oatka Glass, 56 Harvester Ave, Batavia, NY 14020 - \$7.00/person for 14 people to attend on February 27, 2015.
- Primo Mussumeci, Allegro, 154 Blue Birch Drive, Rochester, NY 14612 – Contract for \$1000.00 to provide entertainment for the Boomer Dance on Friday, February 27, 2015 from 8:00-10:00 p.m.
- Mary Hutchins, 709 Cogdell Circle, Webster, NY 14580 - Contract for \$50.00 to provide a presentation on March 11, 2015 from 9:45-11:00 a.m.
- Fred Lampey, 125 Princess Drive, Rochester, NY 14623 – Contract for \$260.00 to provide entertainment by “The Fred Lampey Band” for the St. Patrick’s Day Dance on March 17, 2015 from 12:30-2:30 p.m.
- Michael Pepper, 53 Butternut Drive, Pittsford, NY 14534 – Contract for \$75.00 to provide a performance for Time Out for Women on March 18, 2015 from 9:45-11:00 a.m.
- GEVA Theatre Center, Inc., 75 Woodbury Blvd., Rochester, NY 14607 - \$31/pp for 14 senior citizens to take a bus trip to see “Women in Jeopardy” on Wednesday, March 18, 2015.

Town of Greece
2014 Budget Modifications
Town Board Agenda 02/19/2015

	Action	Account	Description	Amount
1)	From	A.1410.0000.405	Town Clerk - Memberships	-\$130.00
	To	A.1375.0000.452	Credit Card Fees - Financial Processing	\$130.00
	To cover year end expenditures.			
2)	From	A.1410.0000.411	Town Clerk - Contracted Services	-\$2,950.00
	To	A.1420.0000.409	Attorney - Publications	\$2,950.00
	To cover year end expenditures.			
3)	From	A.1430.0000.108	Personnel - Compensatory Time	-\$4,960.00
	To	A.1430.0000.419	Personnel - Professional Services	\$4,960.00
	To cover year end expenditures.			
4)	From	A.1620.0000.401	Buildings - Landscaping	-\$100.00
	To	A.1620.0000.410	Buildings - Malling	\$100.00
	To cover year end expenditures.			
5)	From	A.3120.0000.801	Police - Retirement	-\$18,225.00
	To	A.9050.0000.806	General Fund - Unemployment	\$18,225.00
	To cover year end expenditures.			
6)	From	DA.5110.0000.801	Road Maintenance - Retirement	-\$5,975.00
	To	DA.9050.0000.806	Highway Fund - Unemployment	\$5,975.00
	To cover year end expenditures.			
7)	Increase Revenue	A.1570.0000.000	Code Enforcement Revenue	\$400.00
	Increase Appropriations	A.3650.0000.411	Code Enforcement - Contractual Svcs	\$400.00
	To cover year end expenditures.			
8)	Increase Revenue	A.3389.0000.000	NYS Public Safety	\$328.13
	Increase Appropriations	A.3120.0009.445	Tobacco Sales Compliance	\$328.13
	To account for Tobacco Sales Compliance activities during 2014.			

Town of Greece
 2015 Budget Modifications
 Town Board Agenda 02/19/2015

	Action	Account	Description	Amount
1)	Increase Revenues	A.4320.0000.000	FED DWI Crackdown	\$ 23,460.00
	Increase Appropriations	A.3315.0001.102	FED DWI Crackdown	\$ 23,460.00
	To account for Federal Funds from the Crackdown grant (10/14 - 9/15) unspent from 2014.			
2)	Increase Revenues	A.3389.0000.000	Stop DWI	\$ 22,351.86
	Increase Appropriations	A.3315.0000.001,4,8	Stop DWI Overtime and Expenses	\$ 22,351.86
	To account for the County 2015 Stop DWI grant (FY 2015). Final figure of \$72,351.86.			
3)	Increase Appropriations	A.3120.0004.000	Asset Forfeiture Funds	\$ 312,448.65
	General Fund Balance			\$ 312,448.65
	To account for Asset Forfeiture Funds unspent from 2014.			
4)	Increase Appropriations	L.7414.0000.445	Library Donations	\$ 46,120.32
	Library Committed Fund Balance			\$ 46,120.32
	To account for unspent donation balance from 2014.			

Name	SERIAL NO.	ASSET NO.	SCRAP	SALE	HD CHECKED
Dell Latitude D430	HX5BXH1		3383 YES	NO	YES
Dell Monitor	MX05PN1H7426202O1H2S				NA
Dell Latitude D500	HRVXV31		YES	NO	YES
Acer Monitor	ETL840B018644082403903				NA
Dell Monitor	CN0Y320G742619987PYS				NA
Dell Latitude E6410	6YT82M1	2690	YES	NO	YES
Tungsten Palm Pilot	00V3V294H46D		YES	NO	YES
Dell Optiplex 760	22FMMK1	1099	YES	NO	YES
Dell Optiplex 745	1KR4NF1	60223	YES	NO	YES
Dell Monitor	CN08JCGH7444522D/	2060	YES	NO	NA
Dell Optiplex 760	JHVMMK1	3196	YES	NO	YES
Dell Monitor	CN0Y320G742619987PLS		YES	NO	NA
KDS Monitor	FCUU74011964U	3815	YES	NO	NA
dell Optiplex 745	8hr4nf1	60222	yes	na	yes
dell Optiplex 745	j67t5dt		yes	na	yes
dell Optiplex 7605	46gxn1	3014	yes	na	yes
Hard Drives					
Samsung 80GB	S18EJ16Q910203				
Seagate	3PD205RQ				
Seagate	9QZB9XKK				
Toshiba	32FDC3HJTPQ2				
Toshiba	327CP2HPTPQ2				
Seagate	5VGCERKH				
Seagate	5VGCD53M				
Hitachi	41GUUM2J				
Hitachi	41D6JD4J				
Seagate	W042V4HR				
Hitachi	40D6R5XM				
Hitachi	42JWAR1J				
Seagate	W042KPX4				
Seagate	5VGCDJL3				
Toshiba	327CP2HCTPQ2				
Seagate	5VGCERSA				
Seagate	5VGCERT3				
Hitachi	33H4455S				
Seagate	5VG5FE4B				
Hitachi	MRG157K1GNJW5H				
Seagate	9RX65YPK				
Seagate	6VY1EAZL				
Seagate	6VY18XVS				
Samsung	HD161HJ	3215			dpw14
seagate	9rx65xt8				
western Edigital	wcanmh174431				
western Edigital	wmav3c189089				

Name	SERIAL NO.	ASSET NO.
Toshiba Tecra	25118365K	3047
Dell Latitude D630	COTYXF1	2227
Dell Latitude D630	HOTYXF1	
Panasonic CF-52	CF-52PGNBX2M	3956
Dell Latitude D630	G5QPQG1	60316
IBM Monitor	5592798	2220
Dell Optiplex 745	5H7T5D1	60127
Trimble GPS-1	4447E00511	
Trimble GPS-2	4440E01243	
Dell Latitude E6410	FYT82M1	2689
Dell Optiplex GX270	8V84G51	
Dell Latitude E6410	JTT82M1	1145
Toshiba	X9140458U	676
Dell Optiplex 380	JLPRQL1	2682
Dell Optiplex 380	JLPXRL1	2053
Dell Optiplex 380	1FG9NM1	1150
HP Printer	CN0833Q18J	

Completed inventory entry EM

Hard Drives

Hitachi 160GB	ECE4RBKF
WD 80GB	WD-WXE208CT2457
Toshiba 40GB	Z4LQ2319T
Fujitsu 80GB	K320T852AHR3
WD 80GB	WD-WXC208686002
Seagate 250GB	6VMRR1BF
Seagate 160GB	5VG5ERCH
WD 40GB	WD-WMAJA2449867
Seagate 160GB	5VG5FDNJ
Toshiba 4GB	X9130621T
WD 160GB	WD-WMAV3D541804
WD 160GB	WD-WCAV3A537478
WD 160GB	WD-WCAV3A568551

SCRAP	SALE	HD CHECKED	EM search
YES	NO	YES	
YES	NO	YES	n/a
YES	NO	YES	n/a
YES	NO	YES	
YES	NO	YES	n/a
YES	NO	NA	
YES	NO	YES	n/a
YES	NO	NA	
YES	NO	YES	n/a
YES	NO	YES	n/a
YES	NO	YES	n/a
YES	NO	YES	
YES	NO	YES	n/a
YES	NO	YES	n/a
YES	NO	YES	n/a
YES	NO	NA	

Name	SERIAL NO.	ASSET NO.	SCRAP
Dell Optiplex 745	5HR4NF1		60237 YES
Dell Optiplex 760	2MG93L1		1130 YES
Dell Optiplex 755	DS73HJ1		1072 YES
Dell Optiplex 755	G706WH1		1526 YES

Seagate 160GB	9RX62M7X
WD 80GB	WCAMD3838538
Seagate 160GV	9RXEAH6Z
Samsung 80GB	S1VBJ90QB26690

Library SCRAP equipment February 2015

Computers:	model	serial #	equip age
Dell Optiplex	320	7BYZLC1	Feb 07
	320	3BYZLC1	Feb 07
	320	G8YZLC1	Feb 07
	740	D7B7KF1	Jan 08
	740	8DB7KF1	Jan 08
	760	FRMMNK1	Jul 09
	740	46B7KF1	Jan 08
	380	5L5MMM1	Feb 10
	755	6QGCYH1	Jan 09
	320	97YZLC1	Feb 07
	320	J7YZLC1	Feb 07

Monitors:	model	serial #	equip age	
	Dell	#4278	Nov 08	TOG tag#: 60336
	Acer	D66A404B	Nov 07	

Printers:	model	serial #	equip age
	HP office Jet	CN7C6CV51MQ8244A-002	Apr 08
	Dell 3100 CN	7CM2R71	May 07
	Citizen ldp3551	371714	Jun 07

Hard Drives:	model	serial #	equip age
	Seagate	5LS8HY3F	2007
	Seagate	5LS8HHMJ	2007
	Seagate	5LS8GP1H	2007
	Seagate	5LS8BPRC	2009
	Seagate	6VY145HS	2009
	Seagate	5LS8HSRT	2007
	WD	WMAV2JM02607	2011
	WD	WMAV20913075	2008
	WD	WCAV3A213905	2010
	HITACHI	PVE331ZFS65BKU	2008
	HITACHI	PVE331ZFS6M50V	2008
	HITACHI	PVE331ZFS6EPNU	2008
	HITACHI	PVE331ZFS7KT8V	2008